

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 07-CR-12

JAMES D. BRADLEY,

Defendant.

ORDER

On January 17, 2007, the grand jury returned a two count indictment alleging that James Bradley ("Bradley") possessed more than 500 grams of cocaine, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B) and possessed nine firearms in furtherance of a drug trafficking crime, in violation of Title 18, United States Code, Section 924(c)(1)(A)(i). The indictment also included a notice of forfeiture. Voir dire questions and proposed jury instructions are due April 19, 2007 and a jury trial is scheduled to commence on April 23, 2007 before Chief Judge Rudolph T. Randa.

Pretrial motions in this case were due on February 14, 2007. On February 16, 2007, Bradley filed a motion for an extension of time to file pretrial motions and a motion to file instant. Accompanying this motion was a motion to suppress evidence and a motion to suppress statements.

In the affidavit of Bradley's attorney submitted in support of the defendant's motions, Bradley's attorney states that motions were not timely filed because of confusion regarding who would act as Bradley's attorney. Based upon the reasons stated in the affidavit accompanying Bradley's motions, the court granted Bradley's motion to file instant.

However, Bradley failed to comply with Criminal L.R. 12.3 despite the fact that an evidentiary hearing appeared necessary to resolve the defendant's motion to suppress. Therefore, the court granted the defendant additional time in which to comply with Criminal L.R. 12.3.

On February 18, 2007, Bradley submitted an amended motion to suppress wherein he requested an evidentiary hearing and estimated that up to two hours of court time may be necessary to resolve his pretrial motions.

The government has contacted this court and stated that it believes an evidentiary hearing is necessary to resolve the defendant's motions. Therefore, based upon the information contained in the defendants' original and amended motions to suppress, the court shall grant Bradley's motion for an evidentiary hearing.

IT IS THEREFORE ORDERED that the defendant's motion for an evidentiary hearing is granted. An evidentiary hearing shall be conducted in Courtroom 254 of the United States Courthouse, located at 517 East Wisconsin Avenue, Milwaukee, Wisconsin on **March 20, 2007** at **9:00 a.m.** The court has scheduled two hours of court time for this hearing.

Dated at Milwaukee, Wisconsin this 26th day of February, 2007.

s/AARON E. GOODSTEIN
U.S. Magistrate Judge